ORIGINAL

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U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2017 APR -7 AM 10: 11

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THOMAS E. PEREZ, Secretary of Labor,

Plaintiff,

v.

ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS,

Defendant.

Civil Action No. 4:16-CV-1057-A

PLAINTIFF'S SETTLEMENT AUTHORITY REPORT

Plaintiff, the Secretary of Labor, submits this report concerning settlement authority, with the following information called for by section B of the Court's March 8, 2017 order:

(a) The identity by name, title, and name of employer of each person who will or could play any role in determining the terms of a settlement that would be acceptable to plaintiff in this action;

(b) The identity by name, title, and name of employer of each person who will or could play any role in determining whether a settlement offer made by defendant in this action should be accepted;

(c) A description of the role that will or could be played in each of the matters mentioned in (a) or (b) above by any person whose name is provided in response to the requirements of (a) and (b), along with copies of whatever documentation exists that defines the role each such person will or could have in each such matter; and

(d) The usual business address and business telephone number of each person mentioned in response to the requirements of (a) and (b) above.

Defendant responds to (a), (b), and (d) as follows:

1. Dana J. Boente
Deputy Attorney General (acting)
United States Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Ave., N.W.
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Employed by the Department of Justice

2. (position currently vacant)
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(note: Jesse Panuccio is the acting Principal Deputy Associate Attorney General)
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3. Chad Readler
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4. (position currently vacant)
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5. Joseph H. Hunt
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6. John R. Parker
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7. Stephen P. Fahey
Assistant United States Attorney
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8. Tami C. Parker
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9. Brian W. Stoltz
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10. Nicholas C. Geale
Solicitor of Labor (acting)
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11. Katherine E. Bissell
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12. Beverly I. Dankowitz
Associate Solicitor of Labor
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13. Clinton Wolcott
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14. Tambra A. Leonard
Senior Attorney
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Telephone: 202.693.5744
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15. Andrew Auerbach
Deputy Director (and currently Acting Director)
Office of Labor Management Standards
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16. Steven Willertz
Director Office of Field Operations
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Employed by the Department of Labor

Defendant responds to (c) as follows:

1. The Deputy Attorney General, by delegation of the Attorney General, has settlement authority as to all claims asserted by or against the United States, pursuant to 28 C.F.R. § 0.161(b). (*See* Appendix to Plaintiff's Settlement Authority Report ("App.") 003.)

2. The Associate Attorney General, by delegation of the Attorney General, has settlement authority as to all claims by or against the United States, pursuant to 28 C.F.R. § 0.161(b). (App. 003.)

3. The Assistant Attorney General for the Civil Division has authority to accept offers in compromise in all nonmonetary cases, pursuant to 28 C.F.R. § 0.160(a)(4). (App. 001.) The Assistant Attorney General may also reject any

settlement offer. 28 C.F.R. § 0.162. (App. 004.)

5. The Deputy Assistant Attorney General for the Civil Division, Federal Programs Branch, has been delegated the authority of the Assistant Attorney General in charge of the Civil Division pursuant to Civil Division Directive No. 1-15, § 1(a) (published in the Appendix to Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations, immediately following 28 C.F.R. § 0.172) (App. 008), and therefore has authority to accept or reject any settlement offer, pursuant to 28 C.F.R. §§ 0.160(a)(3), 0.162 (App. 001, 004).

5–6. The Director of the Federal Programs Branch and the United States Attorney have each been delegated the authority set forth in Civil Division Directive 1-15, § 1(c) (published in the Appendix to Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations, immediately following 28 C.F.R. § 0.172), which in this case includes the authority to file suit and "take any other action necessary to protect the interests of the United States," which would include making decisions on whether to make or accept a settlement offer. (App. 009.)

7. The Chief of the Civil Division, Northern District of Texas, was previously delegated the settlement authority possessed by the U.S. Attorney, as set forth in the July 6, 2015 memorandum entitled Delegation of Authority to Initiate and Compromise Civil Litigation. (App. 013.) The Chief of the Civil Division, Northern District of Texas, could participate during settlement negotiations in litigation proceedings or make decisions on making or accepting any settlement offer.

8. The Deputy Chief of the Civil Division, Northern District of Texas, could

participate during settlement negotiations in litigation proceedings or make a recommendation for settlement.

9. Brian W. Stoltz has been assigned the responsibility of litigating this case, and will evaluate the case, weigh its strengths and weaknesses, discuss the litigation and policy considerations expressed by the client agency, and make recommendations respecting settlement.

10–16. Nicholas C. Geale, Katherine E. Bissell, Beverly I. Dankowitz, Clinton Wolcott, Tambra A. Leonard, Andrew Auerbach, and Stephen Willertz are employees of the Department of Labor. Each of these individuals may evaluate the case, weigh its strengths and weaknesses, discuss the litigation and policy considerations from the perspective of the client agency, and make recommendations for settlement. In addition, pursuant to a memorandum of understanding between the Department of Justice and the Department of Labor, (*see* App. 018), the Department of Justice has agreed not to voluntarily dismiss any civil enforcement action under the Labor-Management Reporting and Disclosure Act of 1959 (the LMRDA, which is the statute under which this action is brought) except with the concurrence of the Department of Labor, and the Department of Justice has also agreed to voluntarily dismiss any such action upon the request of the Department of Labor, (App. 019). The above-mentioned employees of the Department of Labor could be consulted in connection with any request for the Department of Labor's concurrence for the voluntary dismissal of this action, or with respect to any request by the Department of Labor to the Department of Justice that the action be dismissed. Pursuant to Secretary's Order 03-2012 of the Secretary of Labor, the Director of the

Office of Labor-Management Standards has been delegated the authority of the Secretary of Labor with respect to the Secretary of Labor's functions under the LMRDA, and the Solicitor of Labor has been delegated authority with respect to litigation. (*See* App. 014, 015.)

Respectfully submitted,

JOHN R. PARKER
UNITED STATES ATTORNEY

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Attorneys for Plaintiff

Certificate of Service

On April 7, 2017, I served the foregoing document on defendant, the Association of Professional Flight Attendants, by mailing it by prepaid first-class mail to defendant's counsel of record, addressed as follows:

Andrew D. Roth
Bredhoff & Kaiser, P.L.L.C.
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Brian W. Stoltz
Assistant United States Attorney